

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

JOHNNY L. HARDEMAN,
a/k/a. Lo'Re Pink,¹

Plaintiff,

v.

Case No. 19-CIV-110-JFH-SPS

JAMES J. SMASH, et al.,

Defendants.

**OPINION AND ORDER
DENYING MOTION FOR APPOINTMENT OF COUNSEL**

Plaintiff has filed a motion requesting the Court to appoint counsel [Dkt. No. 85]. She bears the burden of convincing the Court that her claim has sufficient merit to warrant such appointment. *McCarthy v. Weinberg*, 753 F.2d 836, 838 (10th Cir. 1985) (citing *United States v. Masters*, 484 F.2d 1251, 1253 (10th Cir. 1973)). The Court has carefully reviewed the merits of Plaintiff's claims, the nature of factual issues raised in her allegations, and her ability to investigate crucial facts. *McCarthy*, 753 F.2d at 838 (citing *Maclin v. Freake*, 650 F.2d 885, 887-88 (7th Cir. 1981)). After considering Plaintiff's ability to present her claims and the complexity of the legal issues raised by the claims, the Court finds that appointment of counsel is not warranted. *See Williams v. Meese*, 926 F.2d 994, 996 (10th Cir. 1991); *see also Rucks v. Boergermann*, 57 F.3d 978, 979 (10th Cir. 1995).

THEREFORE, Plaintiff's motion for appointment of counsel [Dkt. No. 85] is DENIED.

IT IS SO ORDERED this 12th day of March 2021.


JOHN F. HEIL, III
UNITED STATES DISTRICT JUDGE

¹ Because Plaintiff identifies as female, female pronouns are used in this Opinion and Order. *See Hardeman v. Smith*, 764 F. App'x 658, 659 n.1 (Feb. 22, 2019) (unpublished).